

Appl. No. 10/612,906  
Response filed December 22, 2004  
Reply to Office Action of September 29, 2004

ASA-843-03

**REMARKS**

Claims 25-37 remain pending in this application. Claim 32 has been amended. No claims have been canceled or added.

Applicants appreciate the Examiner's acknowledgment of the claim for priority in the parent application.

Claims 25-37 are pending, and have been provisionally rejected under the judicially created doctrine of double patenting over claims 25-38 of co-pending U.S. Application No. 10/612,905 (now U.S. Patent No. 6,816,926). Without admitting to the propriety of the rejection, the Applicants submit herewith a terminal disclaimer to avoid the rejection.

On page 3 of the Office Action, the Examiner states that "claims 25-38 of co-pending Application No. 10/612,905 contain every element of claims 25-37 of the instant application and as such anticipates claims 25-37 of the instant application". Applicants submit that this statement is in error and may have been inadvertently included by the Examiner. For example, independent claim 25 of the present application recites that "when the control unit receives multiple requests from different host processors for the same logical storage area, the multiple requests are handled in parallel". In addition, independent claim 32 recites that "when the control unit receives multiple requests from different host processors for

the same logical storage area and determines that the data ranges of the multiple data requests overlap, the multiple requests are not handled in parallel".

Claims 25 and 32 of the present application are not anticipated by the claims of the Application Serial No. 10/612,905, now U.S. Patent No. 6,816,926 (the '926 patent). Claim 25 of the '926 patent recites that "when the control unit receives I/O requests from multiple host processors for the same logical storage area, the I/O requests are handled in parallel if the control unit determines that there is no extent conflict between the I/O requests". Additionally, claim 32 of the '926 patent recites that "when the control unit receives I/O requests from multiple host processors for the same logical storage area, the I/O requests are not handled in parallel if the control unit determines that there is an extent conflict between the I/O requests". Therefore, it should be readily apparent that the claims of the '926 patent recite whether or not I/O requests are handled in parallel based upon a determination of an extent conflict, while the pending claims do not specifically recite the limitation regarding the extent conflict between the I/O requests. Therefore, it is submitted that the present application is not anticipated by the claims of the '926

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patent. It is further submitted that the present application and the '926 patent are not claiming the same invention.

The Examiner is hereby invited to contact the undersigned by telephone with any questions.

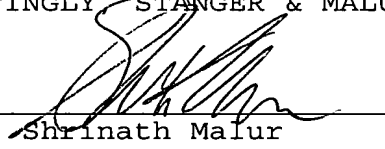
**Conclusion**

In view of the foregoing, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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By



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